

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BEATRICE RIOJAS,
o/b/o M.V.,

Plaintiff,

V.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

CASE NO: 1:14-cv-00233

MAGISTRATE JUDGE
NANCY A. VECCHIARELLI

MEMORANDUM OPINION AND ORDER

This case is before the Magistrate Judge by the consent of the parties. (Doc. No. 13.) On October 16, 2014, Plaintiff, Beatrice Rioja (“Plaintiff”), through her attorney, Kirk B. Roose, filed a motion for attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$6,515.37. (Application for Attorney Fees (“EAJA Application”), Doc. No. 21.) The Commissioner did not file any opposition to the EAJA Motion.

On October 31, 2014, the parties filed a Joint Proposed Stipulation to an Award of Fees under the EAJA in the amount of \$6,115.00. (Doc. No. 23.) The Court finds the stipulated amount to be reasonable. Therefore, the Court awards Plaintiff \$6,115.00 in attorney fees pursuant to the EAJA. This award shall satisfy all of Plaintiff's claims for fees and expenses under 28 U.S.C. § 2412.

Pursuant to the parties' stipulation, if counsel for the parties can verify that Plaintiff owes no pre-existing debts to the United States that are subject to offset, Defendant shall direct that the award be made payable to Plaintiff's counsel subject to

the assignment signed by Plaintiff and her counsel, and shall direct the Treasury Department to mail any check in this matter to the business address of Plaintiff's counsel. If Plaintiff owes a pre-existing federal debt subject to offset, the Commissioner shall direct that the check be made payable directly to Plaintiff, in an amount equaling the balance of the stipulated attorney fees remaining after subtracting the amount of Plaintiff's outstanding federal debt, and delivered to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the stipulated attorney fees, the stipulated amount shall be used to offset Plaintiff's federal debt and no attorney fees shall be paid.

IT IS SO ORDERED.

s/ Nancy A. Vecchiarelli
U.S. Magistrate Judge

Date: November 3, 2014